

Application No. 10/709,353  
Docket No. A4-1730  
Amendment dated January 27, 2006  
Reply to Office Action of December 27, 2005

### REMARKS

In the Office Action, the Examiner stated that the above-identified United States patent application contains claims directed to the following patentably distinct species of the claimed invention: (Group I) Figures 1 and 2, (Group II) Figures 3 and 4, and (Group III) Figures 5 and 6. The Examiner required that Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner explained that none of the claims is generic.

Applicant hereby elects Group III, on which original claims 1, 2, 5, 7-10, 13, and 14 are believed to be readable, for prosecution on the merits if no generic claim is held to be allowable. However, Applicant respectfully believes that the invention of claim 1 is generic to the species proposed by the Examiner. Under MPEP §806.04(d), a generic claim is defined to

include no material element additional to those recited in the species, and must comprehend within its confines the organization covered in each of the species.

Claim 1 recites a "wallet comprising" the following elements:

- (a) "first and second exterior covers,"
- (b) "a first exterior surface defined by the first exterior cover,"
- (c) "an oppositely-facing second exterior surface defined by the second

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exterior cover,”

- (d) “at least one pocket within an interior of the wallet and sized for storing credit cards,”
- (e) “a watch attached to the first exterior surface, and”
- (f) “a money clip attached to the second exterior surface, the money clip having a portion roughly parallel to the plane of the second exterior surface and biased in a direction toward the second exterior surface so as to be capable of securing paper money therebetween.”

Each of these limitations is believed to be present in each of the species (Groups I through III, corresponding to Figures 1 & 2, 3 & 4, and 5 & 6, respectively) identified in the Office Action, as set forth in the table below, in which the limitations are identified by the reference numbers from their respective Figures.

	Group I (Figures 1 & 2)	Group II (Figures 3 & 4)	Group III (Figures 5 & 6)
Element “a”	12 & 14	112 & 114	212 & 214
Element “b”	Surface of 12	Surface of 112	Surface of 212
Element “c”	Surface of 14	Surface of 114	Surface of 214
Element “d”	16	116	216
Element “e”	18	118	218
Element “f”	24	124	224

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The species which the Examiner appears to be making reference to can be illustrated by claims 3 through 5 as follows:

Claim 3 recites that the "wallet" of claim 1 "is a non-folding wallet [10/110] and the at least one pocket [16/116] is between the first and second exterior covers [12,14/112,114] of the wallet [10/110] and defined at least in part by the first and second exterior covers [12,14/112,114]." These limitations are consistent with the Group I species of Figures 1 and 2, and the Group II species of Figures 3 and 4.

Claim 4 recites that the "wallet" of claim 3 further comprises "at least one interior wall [115] parallel to and between the first and second exterior covers [112,114], the first exterior cover [112] being smaller than the second exterior cover [114] so as to expose the at least one interior wall [115]." These limitations are consistent with the Group II species of Figures 3 and 4.

Claim 5 recites that the "wallet" of claim 1 "is a folding wallet [210] and further comprises a first interior cover [232] opposite the first exterior

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cover [212], a second interior cover [234] opposite the second exterior cover [214], and a fold [230] separating the first interior cover [232] and the first exterior cover [212] from the second interior cover [234] and the second exterior cover [214], respectively, the at least one pocket [216] being defined in part by at least one of the first and second interior covers [232,234]." These limitations are consistent with the Group III species of Figures 5 and 6.

In view of the above, Applicant respectfully disagrees with the Examiner's conclusion that "no claim is generic" since, under the definition of MPEP §806.04(d), claim 1 clearly is generic to the species of each of Groups I, II, and III because claim 1 "include[s] no material element additional to those recited in the species, and . . . comprehend[s] within its confines the organization covered in each of the species."

In view of the above, Applicant believes that the election of Group III includes independent claim 1 as a generic claim as well as claims 2, 5, 7-10, 13, and 14, and that all pending claims should be prosecuted on the merits if generic claim 1 is held to be allowable.

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**Closing**

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

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